DOCUMENT RESUME

ED 419 332 EC 306 418

TITLE	SEA Complaint Management Procedures: A National Survey.
INSTITUTION	South Atlantic Regional Resource Center, Plantation, FL.
SPONS AGENCY	Special Education Programs (ED/OSERS), Washington, DC.
PUB DATE	1998-04-00
NOTE	28p.
CONTRACT	H028A30005
AVAILABLE FROM	http://www.fau.edu/divdept/sarrc/seacmtxt.htm
PUB TYPE	Reports - Evaluative (142) -- Tests/Questionnaires (160)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Administrators; Compliance (Legal); *Conflict Resolution; *Disabilities; *Due Process; Elementary Secondary Education; *Grievance Procedures; *Hearings; National Surveys; Personnel; Questionnaires; *State Departments of Education; State School District Relationship; Technical Assistance

ABSTRACT

This report summarizes responses to a national survey of state education agencies (SEAs) concerning their complaint management procedures. Twenty-two states responded. Responses are summarized for each state to questions which addressed the following concerns: (1) the number of full-time equivalent (FTE) personnel responsible for implementing the due process hearing system at the state level; (2) the number of FTE personnel responsible for implementing the mediation system at the state level; (3) the number of FTE personnel who investigate complaints; (4) how the SEA monitors an LEA's (local education agency) compliance with the results of a complaint investigation and a due process hearing; and (5) whether the SEA provides technical assistance to LEAs on due process hearings, mediation, and complaint management systems. The following states' responses are included: Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia, and West Virginia. Contact information for each of the states is also provided. (DB)

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SEA Complaint Management Procedures:

A National Survey

April 1998

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Office of Educational Research and Improvement
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Table of Contents

INTRODUCTION

RESPONSES

QUESTION 1. How many FTE are responsible for implementing the due process hearing system at the state level?

QUESTION 2. How many FTE are responsible for implementing the mediation system at the state level?

QUESTION 3. How many FTE investigate complaints?

QUESTION 4. How does the SEA monitor an LEA's compliance with the results of a complaint investigation and a due process hearing?

QUESTION 5. Does your SEA provide technical assistance to LEAs on due process hearings, mediation, and complaint management systems?

STATE CONTACTS

Introduction

EC 306418

During January 1998, the New Mexico State Department of Education (NMSDE) requested the South Atlantic Regional Resource Center study how other SEAs' complaint management procedures are organized for use as they re-structure their complaint management operations. The NMSDE needed information such as:

- size of state staff along with time commitment for administering the due process hearing system, mediation activities, and complaint investigation,
- how the SEAs monitor the LEAs' compliance with the required corrective actions from a complaint or due process hearing, and
- whether SEAs provide technical assistance to the local districts, specific to the due process hearing, mediation, and complaint management systems at the state level?

The information staff at SARRC developed the following survey questions:

1. How many FTE are responsible for implementing the due process hearing system at the state level?
2. How many FTE are responsible for implementing the mediation system at the state level?
3. How many FTE investigate complaints?
4. How does the SEA monitor an LEA's compliance with the results of a complaint investigation and a due process hearing?
5. Does your SEA provide technical assistance to LEAs on due process hearings, mediation, and complaint management systems?

These questions were disseminated to the Regional Resource Center Network. Twenty-two states responded with information which was used to develop this document. State responses to these questions are provided in the next section.

The South Atlantic Regional Resource Center gratefully acknowledges the cooperation and participation of the state contacts who responded to this request and the information coordinators from the other Regional Resource Centers:

- Camilla Bayliss, Western Regional Resource Center,
- Cathleen Palmer, Northeast Regional Resource Center,
- Barb Marshall and David Dagg, Great Lakes Area Regional Resource Center,
- Shauna Crane, Mountain Plains Regional Resource Center at Utah State University,
- Anna Li Jessop, Mountain Plains Regional Resource Center at Drake University, and
- Teresa Blythe, Mid-South Regional Resource Center

Also, a special thank you is extended to Diane Talley Davis (SARRC) for her assistance.

Responses

QUESTION 1. How many FTE are responsible for implementing the due process hearing system at the state level?

ALABAMA:

One staff person manages requests for hearings, tracks it through the system, contacts hearing officers and court reporter(s), facilitates reimbursement for hearing officers and court reporter(s), etc. This assignment is one of several the Alabama staff person has. There is the support of one secretary. There are five hearing officers and one court reporter. If the court reporter is not available, or more than one hearing is scheduled for a specific day, another staff person could be called upon for assistance.

ALASKA:

The Alaska SEA only has one staff person at the present time.

ARKANSAS:

There is no full time staff assigned to manage the complaint system. Currently, there are two people who spend about 70% of their time in complaint management.

CALIFORNIA:

This function is being performed by an outside contractor.

COLORADO:

FTE for due process systems, mediation oversight and complaint investigation is a total of one. Part of one support staff's responsibilities is to assign hearing officers and maintain records on the results of hearings.

FLORIDA:

Due process hearings are held by the Division of Administrative Hearings (DOAH). They employ approximately 30 Administrative Law Judges (ALJs) to hear the ESE due process hearings as well as other hearings brought against governmental agencies. The ESE due process hearings are a very small percentage of the cases they hear, approximately less than 10%. At the current time, there are 42 due process hearings pending, involving 18 different ALJs. Eight of the Judges have one case pending, four have two cases pending, four Judges have three cases, one Judge has four, and one Judge has seven. Three are yet to be assigned.

GEORGIA:

In Georgia the same SEA staff person handles the complaint management system and issues regarding due process hearings, including mediation, along with other job responsibilities.

IOWA:

One consultant and one shared secretary.

KANSAS:

The Kansas office has two staff assigned to facilitate the due process hearing activities. The two staff are also assigned other duties. Estimated total FTE for due process to be .3 for each person.

KENTUCKY:

There is one FTE assigned in the due process division.

MARYLAND:

Two. In Maryland the Office of Administrative Hearings (OAH), an independent state agency that serves under the authority of the Governor's office schedules and holds Special Education Due Process hearings on behalf of the Maryland State Department of Education (MSDE). There are approximately forty seven (47) Administrative Law Judges who have received specialized training and are qualified to preside over special education hearings. Additionally, there are a number of docket clerks and other support staff that manage files and prepare redacted decisions.

MICHIGAN:

Michigan has a two-tier system. Both tiers are coordinated at the state level for tracking purposes. One

person .75 FTE currently coordinates these systems. At the first tier or local hearing level, this person establishes due dates, records time extensions granted by hearing officers and appoints local level hearing officers whenever the two parties cannot agree on the selection of a local hearing officer. At the state level hearings upon appeal, the state assigns a state level review official who is under contact with the Michigan Department of Education. The state hearing officer is selected by low-bidder of the four state hearing officers under contract.

MISSOURI:

There is only one staff member who facilitates the state level due process hearings. A secretary handles much of the routine work.

NEBRASKA:

There are three hearing officers assigned on a regional basis in Nebraska. They are utilized at the Dispute Resolution Centers for implementation of the Mediation requirements - since they have their own staffs. The SEA contact was not sure how many FTE's there are (or what percentage of time each spends doing special education issues).

NORTH CAROLINA:

Nine (9). One staff person with SEA and eight with the Office of Administrative Hearings.

NORTH DAKOTA:

Due process hearings, mediation and complaints are one (of many) responsibilities carried by one FTE in North Dakota. FTE are not dedicated to these issues alone.

OKLAHOMA:

1.5 FTE

SOUTH CAROLINA:

One.

SOUTH DAKOTA:

A state agency, the Office of Hearing Examiners (OHE), conducts special education hearings (this is one of many functions for OHE; it also conducts administrative hearings for all state agencies including Education, Labor, Social Services, etc.). One hearing officer from the Office of Hearing Examiners (OHE) conducts special education hearings and has had specific training.

TEXAS:

There is one lawyer who is responsible for all the special education hearings and other state mediated hearings. As far as FTE it is less than one.

UTAH:

One FTE addresses all three areas (complaints, mediation, due process).

VIRGINIA:

One.

WEST VIRGINIA:

West Virginia has one person on staff to coordinate due process hearings and mediation. Amount of time

is approximated at .25 FTE. There is a one-tier system for due process hearings, with five due process hearing officers assigned on an individual case basis. They are in private practice and are not part of the state staff.

QUESTION 2: How many FTE are responsible for implementing the mediation system at the state level?

ALABAMA:

One staff person manages requests for mediation, tracking the system, scheduling mediations sessions, and conducting mediations. Two other staff people assist with conducting mediations if the person with that primary responsibility is not available or cannot be assigned as mediator for some reason. The assignment is one of several for that staff person. One secretarial position provides support to the staff member.

ALASKA:

There is only one staff person at the Alaska SEA to handle all complaint management functions.

ARKANSAS:

At the present time, SEA staff are assigned to conduct mediation sessions, when requested. No one is assigned full time as a mediator. There are currently five (5) staff members trained as mediators. The SEA has seen a decline in parents' willingness to participate in mediation in the past two to three years. This year the SEA structured the mediation sessions to disallow participation by attorneys. Mediation has been requested for two of 19 requests for due process hearings since July, 1997. Both mediation sessions proved successful in resolving the issues.

CALIFORNIA:

California contracts all its mediation activities with McGeorge University.

COLORADO:

There is one person responsible for implementing the mediation system with the help of a clerical support staff.

FLORIDA:

Florida has trained approximately 50 mediators throughout the state who have agreed to serve as mediators when so requested by the Bureau. Fifty to seventy-five more will be trained during the Spring of 1998. The majority of these mediators are working for local school boards. As requests for mediation come into the Bureau, a mediator is assigned to the case, primarily by geographic location. Right now the average is about three mediations a month, which comes out to about three days a month of actual mediation time. At this point, the SEA is not sure what the impact of the final IDEA regulations will be. It is planned that if the regulations stay as they are, in the draft mode, the SEA will develop and rethink the whole process, which to this date, has been highly successful.

GEORGIA:

A separate state agency (Office of State Administrative Hearings) assigns the hearing officers/mediators and oversees that process. The Justice Center of Atlanta, Inc. conducts the mediations around the state through a contractual arrangement with the SEA.

IOWA:

One consultant and one shared secretary are responsible for providing mediation services.

KANSAS:

All functions of the due process procedures are handled by two staff persons.

KENTUCKY:

One, the same person who handles the hearing and mediation processes.

MARYLAND:

Two. In Maryland the Office of Administrative Hearings (OAH), an independent state agency that serves under the authority of the Governor's office schedules and holds Special Education mediations for MSDE. There are approximately fifty (50) staff members at OAH who have received specialized training and are qualified to conduct special education mediations. Additionally, there are a number of docket clerks and other support staff that manage files.

MICHIGAN:

This is difficult to determine because of the system used in Michigan. Mediation is the result of a state initiated project. Currently, this project was awarded to the Administrative Office of the Michigan Supreme Court, Community Dispute Resolution Centers. Each center has one administrator and uses highly trained mediators to handle mediation requests in their area. The mediators from each center work in pairs to resolve the special education disputes. Each center administrator supervised by the program administrator in the Administrative Offices of the Supreme Court who is supervised by the project administrator who also oversees the state hearing officers identified in the above. The .75, above includes these activities.

MISSOURI:

For child complaints, there is only one state due process coordinator who handles all phases of procedural safeguards.

NEBRASKA:

Nebraska utilizes the Dispute Resolution Centers for the implementation of the mediation requirements. Since these centers have their own staffs, personnel figures fluctuate from center to center.

NORTH CAROLINA:

Information not available at this time.

NORTH DAKOTA:

There is one FTE responsible for implementing the mediation system at the state level.

OKLAHOMA:

2.5 FTE. The Alternative Resolution System of the Administrative Office of the Courts conducts mediations. Oklahoma is planning on contracting with the system for implementation of these requirements.

SOUTH CAROLINA:

One.

SOUTH DAKOTA:

The SEA has one lead worker who works with the OHE and coordinates mediation. There are four people trained and contracted to do mediation when necessary.

TEXAS:

There are five FTEs (professionals) of which the state coordinator is one. There is also a Parent Hotline where complaints can be recorded.

UTAH:

One staff person is assigned to the implementation of the mediation system.

VIRGINIA:

One.

WEST VIRGINIA:

One. Currently, there is no mediation system in place. The state is doing mediation using three of the hearing officers who are also trained mediators. When final IDEA regulations and state regulations are approved, the state plans to create a larger system, with mediators trained in various locations around the state. It is anticipated that as the mediation system increased in scope, the amount of time spent on mediation will probably increase.

QUESTION 3. How many FTE investigate complaints?

ALABAMA:

One staff person.

ALASKA:

For all functions related to the provision of due process, mediation and complaint management, there is one state staff person.

ARKANSAS:

There is no SEA staff assigned full time to investigate complaints. In Arkansas, complaint procedures call for teams of two to three to conduct a complaint investigation. Staff conduct the investigation and write the preliminary report. Administrative staff review and revise the reports for dissemination. To date, staff have investigated five (5) complaints since July, 1997.

CALIFORNIA:

California processes between 500 and 600 complaints per year and has six full time staff assigned to complaints as well as subcontracts with short term contractors and retired annuitants.

It is estimated by the contractor (McGeorge University) that each of their hearing officers/contractors can handle about 10-12 complaints per year. It probably takes 3-5 person days to process one complaint.

COLORADO:

FTE for investigation of complaints is one and a part time support staff.

FLORIDA:

The Program Specialist for Procedural Safeguards, among other duties, has primary responsibility for

complaint investigation. But, due to the volume involved, five other staff members also do complaint inquiries as assigned, and the Bureau is currently contracting with a consultant to also handle complaints. Right now there are 13 complaints being actively investigated and three that have been put in abeyance due to pending court actions. Of the thirteen, the SEA contact has three active investigations. The other three staff members and a contracted consultant each have two, and two staff members have one apiece.

GEORGIA:

One FTE.

IOWA:

For investigation of complaints, the one FTE state staff person handles all, with the support of a shared secretary.

KANSAS:

Two staff members perform all functions associated with complaint investigation and dispute resolution.

KENTUCKY:

During the monitoring cycle, three. During May through September, there are five consultants involved with investigating complaints.

MARYLAND:

There are 2.5 FTE to investigate complaints.

MICHIGAN:

The complaint/investigation process in Michigan is a two-tier system. Complaints are normally investigated by each intermediate unit for which they have jurisdiction. There are 57 intermediate units in Michigan. At the state level, there are three FTE (and one vacant position) to conduct state level investigations upon appeals of investigation reports completed at the intermediate unit, direct corrective action where violations are found and require the agency found in violation to submit documentation to satisfy the Department that a violation no longer exist. The same person identified in (1) and (2) above also coordinates these activities for a FTE of .25.

MISSOURI:

The monitoring staff, consisting of 10 area supervisors, who do the actual investigations and the rough draft decision. This is followed by a legal review of the decision and then it is finalized with the Commissioner's signature.

NEBRASKA:

For complaints, the SEA utilizes regionally assigned monitoring staff. They currently have approximately 4 FTE's regionally assigned and only a small portion of their time is spent doing formal complaint investigations and findings.

NORTH CAROLINA:

One (1).

NORTH DAKOTA:

They have recently begun contracting with one person to investigate complaints on an "as needed" basis. This has allowed others to plan their schedules without the sudden need to conduct an investigation

within specific timelines.

OKLAHOMA:

1 FTE coordinates the investigation of complaints, but a variety of Oklahoma Department of Education (OSDE) staff may be involved.

SOUTH CAROLINA:

One.

SOUTH DAKOTA:

All SEA staff conduct investigations; they are assigned on a rotating basis. Training is done as new staff comes on board.

TEXAS:

There is a five person team which has overall responsibility for complaint investigation, mediation intake and managing the mediation program. In addition, there are nine contracted mediators who do mediation around the state.

UTAH:

One FTE addresses all three areas (complaints, mediation, due process)

VIRGINIA:

One.

WEST VIRGINIA:

There are three full time staff assigned to investigate complaints. In addition, when a complaint is investigated, usually at least one other staff member is involved in the investigation. Approximating FTE was not possible because it usually takes about one day of the team member's time per investigation.

QUESTION 4. How does the SEA monitor an LEA's compliance with the results of a complaint investigation and a due process hearing?

ALABAMA:

For Complaints: If an LEA is found to be in violation, the LEA may be required to submit some documentation of the corrective action. There may be occasions when it is more appropriate to verify onsite that corrections have been instituted. If this is the case, the complaint contact may verify the action, or she may enlist the regional specialist to verify the action.

For DPHs: The LEA submits appropriate information following the hearing as necessary.

ALASKA:

No information was provided.

ARKANSAS:

Complaint investigation reports contain findings of fact, corrective actions and documentation to be submitted. Dates for completion of corrective actions and submission of documentation are contained in

the report. The documentation is submitted and reviewed by administrative staff. A letter of acknowledgment is sent either closing the case or requesting additional documentation.

Administrative staff make the decision regarding compliance with the corrective actions. Public agencies involved in due process hearings are required to submit a status report every 30 days following the dissemination of the decision of the hearing officer until compliance with the hearing officer's order is determined. The hearing officer includes this information in the decision. Administrative staff make the decision regarding compliance with the hearing officer's order. A letter is sent to the public agency indicating fulfillment of the hearing officer's order.

CALIFORNIA:

No information provided.

COLORADO:

Monitoring of compliance with due process is only a paper trail to make sure a hearing officer was assigned properly and that records were obtained from him. They do not monitor whether or not an LEA complied with the orders. Monitoring of compliance with remedial actions ordered in complaints is also a paper trail, where the LEAs are usually required to submit reports of their efforts with evidence of the change.

FLORIDA:

The staff member responding to this survey monitors district compliance. When a Final Order is issued by the Administrative Law Judge, or, in the case of a complaint inquiry, signed by the Commissioner of Education, she enters the required corrective actions and timelines into a data base and tracks the requirements. She then mails letters to the districts when the timelines for corrective actions are due, and collects the documentation from the district, and, if appropriate, information from the parent. Occasionally, an onsite visit may be required to ensure compliance with the Orders.

GEORGIA:

No information provided.

IOWA:

Within the last two years, Iowa has had two complaints to investigate. Corrective actions aren't always involved. Historically, the numbers have been small, charting, timelines and follow ups were possible to and relatively easy to do. For hearings, a trend has developed whereby the administrative law judges are keeping themselves in the process for follow-up when appropriate. The state encourages this. For instance, if a new IEP meeting is to occur, the ALJ may request the new IEP be sent to him/her within the specified timeline.

KANSAS:

If a corrective action is required as the result of a formal complaint investigation, the LEA is given a time frame in which to make the corrective action(s) and provide documentation that the correction was actually made. Once the corrective action(s) have been received by the SEA, a letter is sent to the LEA with a copy of the letter to the parent indicating completion

of the required correction action(s). If the parent disagrees with the documentation and corrective action(s) taken by the LEA, the parent may request that the SEA conduct a follow-up investigation.

KENTUCKY:

For Complaints - When a Corrective Action Plan (CAP) is written in conjunction with a formal complaint, the "due date" is entered into the state's data base. The lead consultant is notified when a CAP

is due and they follow-up with the LEA if no documentation has been received. There will be an exchange of documentation until the CAP is satisfactorily closed. For those rare instances when an LEA refuses to implement the CAP, additional sanctions may be applied.

For Hearings - With the limited number of SEA staff, formal investigation of hearing officer's orders are not routinely completed. If the SEA is notified by a parent that the orders are not being implemented, the SEA will either do a site-visit to investigate or send one of the eight regional consultants into the LEA to investigate.

MARYLAND:

If a finding of non-compliance is made in a letter of findings for a complaint investigation, corrective actions are required. The specific corrective actions needed and a time line are developed. The completion of corrective actions are monitored by both compliance staff and staff that provide technical assistance to school systems. MSDE ensures that corrective actions are completed as outlined in the letter of findings.

MSDE tracks and summarizes all special education due process hearing decisions and incorporates areas of concern into our compliance monitoring process. Additionally, if MSDE is made aware of a problem concerning corrective actions required by an administrative due process hearing or mediation agreement, steps to resolve the concern are initiated.

MICHIGAN:

In the complaint/investigation process, the state level investigator monitors the corrective action phase and the submission of proof of compliance (Documentation directed by the Department) in both investigations at the intermediate unit as well as the state investigations. In the hearing process, the Department directs the intermediate unit to monitor the hearing officer's decision and implementation including local hearings or, if appealed, the state hearing officer's decision and to notify the Department when the decision is fully implemented.

MISSOURI:

As for monitoring compliance with complaint corrective actions - the state coordinator tracks the corrective action due dates, and reviews what is submitted, and the Commissioner formally approves. As for due process - Missouri has so few hearings that they do not use a formal process for monitoring compliance with hearing decisions - most of these are appealed to the court and the SEA is named as a party. Generally, decisions are in favor of the school. In the few cases where the decision is in favor of the parent and the case has not been appealed to the courts, the SEA coordinator is familiar with facts/issues of the case and is aware if there is an implementation problem that needs attention.

NEBRASKA:

Nebraska requires districts to submit documentation that they have corrected any deficiencies identified in a complaint. The standard which was found out of compliance is then added to the districts next regularly scheduled monitoring visit. For Due Process hearings - any standard which a district is found to have failed to implement is added to the next regularly scheduled monitoring visit. Also the regionally assigned person is responsible for assisting the district in correcting any identified deficiencies.

NORTH CAROLINA:

On-site follow-up for both by regional consultants.

NORTH DAKOTA:

North Dakota requires LEAs to report their follow-up corrective actions resulting from complaints to the regional special education coordinators (SEA level). The SEA keeps a matrix of each complaint with the corrective actions and when they are due, if they've been addressed, etc.

OKLAHOMA:

Complaints: Review documentation submitted that was requested by the SEA. An onsite follow-up review may be conducted or the complaint could be reviewed during a regularly scheduled compliance review.

Due process: The SEA reviews the implementation of the due process hearing decision during a regularly scheduled compliance review, unless a problem exists. In these instances, an onsite review will be conducted

SOUTH CAROLINA:

During the on-site reviews, over the four year cycle, the SDE monitors the LEA's compliance in these areas.

SOUTH DAKOTA:

South Dakota hasn't had a need to monitor compliance of hearing officer decisions; however complaint investigation reports contain specific corrective action steps with timelines. Districts need to submit specific documentation to demonstrate implementation of corrective action.

TEXAS:

Districts must submit their corrective action plan if they were cited. The SEA will entertain any complaints they are aware of. Monitors too can identify to the SEA any situation they feel has not been corrected by the local school district.

UTAH:

Compliance for due process is addressed during monitoring.

VIRGINIA:

Complaints and due process hearings are monitored through the federal program monitoring procedures. Implementation plans after due process are reviewed and approved by the SEA.

WEST VIRGINIA:

For complaints, letters of findings prescribe corrective activities and documentation to be submitted by a specific date, usually 30 days from issuance of the letter of findings. Documentation is reviewed and if additional corrective activities are needed, the LEA has 15 more days to respond. Failure to document implementation of corrective orders results in enforcement within 60 days of the issuance of the letter of findings. Enforcement means notifying the LEA of the right to request a hearing to challenge the findings. If the final decision is noncompliance, enforcement may include withholding funds, redirecting funds, fines, or take-over. Most commonly, funds are withheld until corrective activities are completed. This same process applies to monitoring and due process hearings.

In a due process hearing, a letter is sent within 30 days of the issuance of the hearing decision if the LEA has been given an order or directive to complete. The letter requests the LEA to inform the OSE of actions completed in implementing the order. It also requests the parent to inform the OSE if he or she believes the order has not been appropriately implemented. The OSE then determines whether the order has been implemented and closes the case, or directs the LEA to complete further activities within a specified timeline. If an appeal is filed in civil court, this process is held in abeyance until a decision is rendered. If the LEA fails to implement the decision, enforcement procedures would be followed.

QUESTION 5. Does your SEA provide technical assistance to LEAs on due process hearings, mediation, and complaint management systems?

ALABAMA:

Yes. In the past, the SEA has provided statewide workshops on legal issues for special education coordinators, local superintendents, LEA board attorneys, principals and others. As LEAs contact Special Education Services staff, they respond to questions and requests for assistance in thinking through situations. There are also responses to questions from parents. Procedural safeguards are explained to the parents, contact is made with the school system serving the student, all in an effort to assist in resolving problems.

ALASKA:

No information provided.

ARKANSAS:

The SEA provides technical assistance to LEAs on due process hearings, mediation and the complaint management system. Presentations are made at various meetings regarding these processes. The education office has developed forms for LEAs to use when requesting a hearing, including information regarding mediation. Although SEA staff assist LEAs, parents and attorneys in understanding the process, once a hearing has been requested or a complaint filed, advice and/or assistance regarding the parties position or possible outcome of the hearing/complaint is not provided.

CALIFORNIA:

There is no technical assistance provided to the LEAs on due process hearings, mediation or complaint management because the entire process is performed by an outside, contracted entity.

COLORADO:

No information provided.

FLORIDA:

Bureau staff answer many phone calls and letters from parents, districts, advocates, and other interested parties, regarding the federal and state laws involved in the education of exceptional students. This includes general information on due process, complaint, and mediation procedures. The Bureau also produces and disseminates resource manuals and technical assistance papers. SEA staff maintains the LRP *Individuals with Disabilities Education Law Report* and can research specific issues or topics as requested. On occasion, staff from the General Council's Office are also requested to provide assistance.

GEORGIA:

Information not provided.

IOWA:

The SEA provides technical assistance to the LEA as requested. The SEA relies on the AEA to provide the technical assistance when appropriate. There are occasions when the regional resource center is involved, but probably on more systemic problems.

KANSAS:

No information provided.

KENTUCKY:

Yes. The Kentucky Department of Education has written several documents to assist both parents and LEAs with options of resolving disputes.

1. "Your Child's Education" written for parents and describes all three processes and how to access them.
2. "Mediation for Students with Disabilities" written for both parents and LEAs. It describes the process and has all the forms necessary to initiate a mediation request.

In addition to the two documents, the SEA has developed SEA complaint procedures which are disseminated globally to all LEAs and to parents when they file a formal complaint. Included in the parents rights handbook are options available to them.

MARYLAND:

The Maryland State Department of Education (MSDE) provides a quarterly summary of due process hearing decisions to the local school systems to make them aware of current issues or concerns.

MSDE also shares information about mediation training to local school systems and encourages the application of mediation to any dispute concerning the identification, evaluation, placement, or provision of a free appropriate public education for students with disabilities.

MSDE provides technical assistance to local school systems at every stage in the complaint process. This includes on-site record and policy review and development and implementation of corrective action plans.

MICHIGAN:

Regarding due process hearings, the Department will provide technical assistance to the point where a hearing officer has been mutually agreed, or appointed by the Department when mutual agreement fails. Following a hearing officer being put in place, the hearing officer has the responsibility to provide the parties with technical assistance and to control the hearing process. Regarding mediation, the Department provides technical assistance to parents and LEAs in contacting their local Community Dispute Resolution Center. Technical assistance is also provided to the Administrative Offices of the Supreme Court. Other technical assistance is provided on an as-needed basis.

In the complaint management system, technical assistance is provided on an as-needed basis to parents, LEAs and intermediate units at all phases of the investigation process at the intermediate unit level and the state level, including any corrective action that must be taken to correct violation.

For all three systems, the Department is actively involved in the professional development of those associated with the systems including in-service activities.

MISSOURI:

No information provided.

NEBRASKA:

The Department of Education provides any requested technical assistance necessitated by a complaint or due process hearing, unless they feel that they need more information. At times, assistance is requested from the regional resource center.

NORTH CAROLINA:

Yes.

NORTH DAKOTA:

North Dakota provides TA to school districts after a complaint if that is a designed corrective action. They often "suggest" that the school consult with the regional special education coordinator from the SEA in designing subsequent inservice training, etc.

OKLAHOMA:

Oklahoma provides technical assistance to LEAs on due process hearing, mediation, and complaint management systems.

For complaint management: The procedure is addressed in the Policies and Procedures For Special Education in Oklahoma manual. The OSDE provides complaint information by telephone, mail or onsite visits when necessary. Where appropriate, the parties are referred to other resources.

For due process: A manual describing the due process hearing procedures is provided to parent and school administrators. Technical assistance is provided by OSDE staff on the due process procedures by telephone and in person as appropriate. The Regional Education Service Centers provides technical assistance for school districts in their regions. The assistance provided will assist the parents and schools in resolving the concerns as well as informing them about the complaint process itself.

For mediation: A brochure describing the mediation procedure is made available through the SDE office to parents and schools. The OSDE provides mediation information on the telephone or in person as appropriate. Mediation is encouraged in all correspondence to parents and schools when scheduling a due process.

SOUTH CAROLINA:

Technical assistance is offered by telephone, due process hearing officers training, legal conferences, and sessions during administrators conferences.

SOUTH DAKOTA:

Technical assistance is provided from the SEA to the districts as it is needed.

TEXAS:

There is not a great deal of technical assistance provided to the locals. There are short presentations by the SEA staff at any statewide conference (i.e., Superintendents Conference). There is also not a great deal of training provided.

UTAH:

Technical assistance is provided; mediation trainings are held and constant hands-on technical assistance is provided whenever a complaint or due process hearing is requested.

VIRGINIA:

Yes, two staff persons respond to written requests and telephone inquiries. The agency has two FTE positions who handle both systems - due process and complaints. There is also the use of additional part time personnel as needed.

WEST VIRGINIA:

LEAs may request technical assistance at any time for any of the issues related to due process. Primarily, assistance would be by telephone regarding ways to implement the decisions. On-site assistance also might be requested, and most often would involve SEA staff providing training to assist in implementing corrective actions. It is anticipated that when the state develops its more defined mediation system, they will be doing training to promote the understanding and use of that system by LEAs and parents.

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